

1 AN ACT in relation to vehicles.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Section 18c-7402 as follows:

6 (625 ILCS 5/18c-7402) (from Ch. 95 1/2, par. 18c-7402)
7 Sec. 18c-7402. Safety Requirements for Railroad
8 Operations.

9 (1) Obstruction of Crossings.

10 (a) Obstruction of Emergency Vehicles. Every
11 railroad shall be operated in such a manner as to
12 minimize obstruction of emergency vehicles at crossings.
13 Where such obstruction occurs and the train crew is aware
14 of the obstruction, the train crew shall immediately take
15 any action, consistent with safe operating procedure,
16 necessary to remove the obstruction. In the Chicago and
17 St. Louis switching districts, every railroad dispatcher
18 or other person responsible for the movement of railroad
19 equipment in a specific area who receives notification
20 that railroad equipment is obstructing the movement of an
21 emergency vehicle at any crossing within such area shall
22 immediately notify the train crew through use of existing
23 communication facilities. Upon notification, the train
24 crew shall take immediate action in accordance with this
25 paragraph.

26 (a-1) Obstruction of a highway while a train is
27 parked at a station. A railroad must ensure that, when
28 any of its trains is parked at a station, the only
29 highways that are blocked are those blocked by the train
30 itself. The railroad must ensure that all crossing gates
31 are open, except at those crossings where (i) the parked

1 train is actually blocking the intersection or (ii)
2 another train is present or approaching.

3 (b) Obstruction of Highway at Grade Crossing
4 Prohibited. It is unlawful for a rail carrier to permit
5 any train, railroad car or engine to obstruct public
6 travel at a railroad-highway grade crossing for a period
7 in excess of 10 minutes, except where such train or
8 railroad car is continuously moving or cannot be moved by
9 reason of circumstances over which the rail carrier has
10 no reasonable control.

11 In a county with a population of greater than 1,000,000,
12 as determined by the most recent federal census, during the
13 hours of 7:00 a.m. through 9:00 a.m. and 4:00 p.m. through
14 6:00 p.m. it is unlawful for a rail carrier to permit any
15 single train or railroad car to obstruct public travel at a
16 railroad-highway grade crossing in excess of a total of 10
17 minutes during a 30 minute period, except where the train or
18 railroad car cannot be moved by reason or circumstances over
19 which the rail carrier has no reasonable control. Under no
20 circumstances will a moving train be stopped for the purposes
21 of issuing a citation related to this Section.

22 However, no employee acting under the rules or orders of
23 the rail carrier or its supervisory personnel may be
24 prosecuted for a violation of this subsection (b).

25 (c) Punishment for Obstruction of Grade Crossing.
26 Any rail carrier violating paragraph (b) of this
27 subsection shall be guilty of a petty offense and fined
28 not less than \$200 nor more than \$500 if the duration of
29 the obstruction is in excess of 10 minutes but no longer
30 than 15 minutes. If the duration of the obstruction
31 exceeds 15 minutes the violation shall be a business
32 offense and the following fines shall be imposed: if the
33 duration of the obstruction is in excess of 15 minutes
34 but no longer than 20 minutes, the fine shall be \$500; if

1 the duration of the obstruction is in excess of 20
2 minutes but no longer than 25 minutes, the fine shall be
3 \$700; if the duration of the obstruction is in excess of
4 25 minutes, but no longer than 30 minutes, the fine shall
5 be \$900; if the duration of the obstruction is in excess
6 of 30 minutes but no longer than 35 minutes, the fine
7 shall be \$1,000; if the duration of the obstruction is in
8 excess of 35 minutes, the fine shall be \$1,000 plus an
9 additional \$500 for each 5 minutes of obstruction in
10 excess of 25 minutes of obstruction.

11 (2) Other Operational Requirements.

12 (a) Bell and Whistle-Crossings. Every rail carrier
13 shall cause a bell, and a whistle or horn to be placed
14 and kept on each locomotive, and shall cause the same to
15 be rung or sounded by the engineer or fireman, at the
16 distance of a least 1,320 feet, from the place where the
17 railroad crosses or intersects any public highway, and
18 shall be kept ringing or sounding until the highway is
19 reached; provided that at crossings where the Commission
20 shall by order direct, only after a hearing has been held
21 to determine the public is reasonably and sufficiently
22 protected, the rail carrier may be excused from giving
23 warning provided by this paragraph.

24 (a-5) The requirements of paragraph (a) of this
25 subsection (2) regarding ringing a bell and sounding a
26 whistle or horn do not apply at a railroad crossing that
27 has a permanently installed automated audible warning
28 device authorized by the Commission under Section
29 18c-7402.1 that sounds automatically when an approaching
30 train is at least 1,320 feet from the crossing and that
31 keeps sounding until the lead locomotive has crossed the
32 highway. The engineer or fireman may ring the bell or
33 sound the whistle or horn at a railroad crossing that has
34 a permanently installed audible warning device.

1 (b) Speed Limits. Each rail carrier shall operate
2 its trains in compliance with speed limits set by the
3 Commission. The Commission may set train speed limits
4 only where such limits are necessitated by extraordinary
5 circumstances effecting the public safety, and shall
6 maintain such train speed limits in effect only for such
7 time as the extraordinary circumstances prevail.

8 The Commission and the Department of Transportation
9 shall conduct a study of the relation between train
10 speeds and railroad-highway grade crossing safety. The
11 Commission shall report the findings of the study to the
12 General Assembly no later than January 5, 1997.

13 (c) Special Speed Limit; Pilot Project. The
14 Commission and the Board of the Commuter Rail Division of
15 the Regional Transportation Authority shall conduct a
16 pilot project in the Village of Fox River Grove, the site
17 of the fatal school bus accident at a railroad crossing
18 on October 25, 1995, in order to improve railroad
19 crossing safety. For this project, the Commission is
20 directed to set the maximum train speed limit for
21 Regional Transportation Authority trains at 50 miles per
22 hour at intersections on that portion of the intrastate
23 rail line located in the Village of Fox River Grove. If
24 the Regional Transportation Authority deliberately fails
25 to comply with this maximum speed limit, then any entity,
26 governmental or otherwise, that provides capital or
27 operational funds to the Regional Transportation
28 Authority shall appropriately reduce or eliminate that
29 funding. The Commission shall report to the Governor and
30 the General Assembly on the results of this pilot project
31 in January 1999, January 2000, and January 2001. The
32 Commission shall also submit a final report on the pilot
33 project to the Governor and the General Assembly in
34 January 2001. The provisions of this subsection (c),

1 other than this sentence, are inoperative after February
2 1, 2001.

3 (3) Report and Investigation of Rail Accidents.

4 (a) Reports. Every rail carrier shall report to the
5 Commission, by the speediest means possible, whether
6 telephone, telegraph, or otherwise, every accident
7 involving its equipment, track, or other property which
8 resulted in loss of life to any person. In addition,
9 such carriers shall file a written report with the
10 Commission. Reports submitted under this paragraph shall
11 be strictly confidential, shall be specifically
12 prohibited from disclosure, and shall not be admissible
13 in any administrative or judicial proceeding relating to
14 the accidents reported.

15 (b) Investigations. The Commission may investigate
16 all railroad accidents reported to it or of which it
17 acquires knowledge independent of reports made by rail
18 carriers, and shall have the power, consistent with
19 standards and procedures established under the Federal
20 Railroad Safety Act, as amended, to enter such temporary
21 orders as will minimize the risk of future accidents
22 pending notice, hearing, and final action by the
23 Commission.

24 (Source: P.A. 91-675, eff. 6-1-00; 92-284, eff. 8-9-01.)